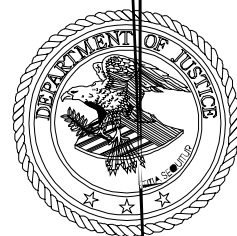


PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2001: REPORT TO THE CONGRESS

SUBMITTED
ON BEHALF OF THE PRESIDENT OF THE UNITED STATES
TO THE COMMITTEES ON THE JUDICIARY,
UNITED STATES SENATE AND
UNITED STATES HOUSE OF REPRESENTATIVES,
IN FULFILLMENT OF THE REQUIREMENTS OF
SECTION 207(e) (1)-(7)
OF THE
IMMIGRATION AND NATIONALITY ACT

**Department of State
Department of Justice
and
Department of Health and Human Services**

July 2000



FY 2001 Report to the Congress

PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR (FY) 2001: REPORT TO THE CONGRESS is submitted in compliance with Section 207(e) of the Immigration and Nationality Act (INA). The Act requires that before the start of the fiscal year and, to the extent possible, at least two weeks prior to Consultations on refugee admissions, members of the Committees on the Judiciary of the Senate and the House of Representatives be provided with the following information:

- (1) A description of the nature of the refugee situation;
- (2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came;
- (3) A description of the plans for their movement and resettlement and the estimated cost of their movement and resettlement;
- (4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States¹;
- (5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees;
- (6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States; and
- (7) Such additional information as may be appropriate or requested by such members.

¹ Detailed discussion of the anticipated social and economic impact, including secondary migration, of the admission of refugees to the United States is being provided in the *Report to the Congress* of the Refugee Resettlement Program, Office of Refugee Resettlement, Department of Health and Human Services.

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FOREWORD

The annual Congressional consultations on refugee admissions provide an opportunity for the Congress and the Administration to focus on the domestic and international implications of U.S. refugee policy, and mark the culmination of a many-faceted consultative process for FY 2001.

During the fiscal year, Administration officials have had discussions with a number of Members of Congress and their staffs. In addition, we have received input from representatives of state and local governments, public interest groups, private voluntary organizations, mutual assistance associations, the United Nations High Commissioner for Refugees, the International Organization for Migration, and other organizations concerned with refugees. Program officers from the Bureau of Population, Refugees, and Migration have traveled to the region to assess the resettlement needs of refugees.

The Administration is committed to strengthening the effectiveness of U.S. refugee admissions and assistance programs consistent with domestic and international concerns. Balancing these concerns is challenging because of the large number of refugees requiring assistance in an era of budgetary constraints. Nevertheless, the United States remains, by a wide margin, the largest resettlement country in the world, while at the same time significantly contributing to life-sustaining assistance programs that have an impact on millions of refugees, displaced persons, and victims of conflict.

This document presents the President's admissions proposal for FY 2001. It is intended to initiate the congressional consultation process set out in Section 207 of the Refugee Act of 1980 and to elicit responses from the House and Senate Judiciary Committees and others interested in refugee policies and programs. After receiving the views of the Congress, the President will determine refugee admissions levels and allocations for FY 2001.

I. REFUGEE ADMISSIONS PROGRAM FOR FY 2001

A. OVERVIEW OF U.S. REFUGEE POLICY

Resettlement in third countries, including the United States, is considered for refugees in urgent need of protection and refugees for whom other durable solutions are not feasible. In seeking durable solutions for refugees, the United States gives priority to the safe, voluntary return of refugees to their homelands. This policy, recognized in the Refugee Act of 1980, is also the preference of the United Nations High Commissioner for Refugees (UNHCR). If safe, voluntary repatriation is not feasible, other durable solutions are sought, including resettlement in countries of asylum within the region and resettlement in third countries.

In late December 1999, the United Nations High Commissioner for Refugees estimated the world's population of refugees and asylum seekers to be 12.9 million. Millions more people are displaced within their own countries by war, famine and civil unrest. The United States works with other governments and international and non-governmental organizations to protect refugees, displaced persons, and conflict victims and strives to ensure that survival needs for food, health care and shelter are met. Under the authority in the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the programs of the UNHCR, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), and other international and private organizations that provide ongoing relief and assistance to refugees, displaced persons, and conflict victims. The United States has been instrumental in mobilizing a community of nations to work through these organizations to alleviate the misery and suffering of refugees throughout the world. We continue to press for the most effective use of international resources directed to the urgent needs of refugees and displaced persons. During FY 2000, the United States has supported major relief and repatriation programs throughout the world.

The United States considers for admission as refugees persons of special humanitarian concern who can establish persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The legal basis of the refugee admissions program is the Refugee Act of 1980 which embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution. The Act adopted the definition of "refugee" contained in the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. The definition, which may be found in Section 101(a)(42) of the Immigration and Nationality Act (INA), as amended, is as follows:

“The term ‘refugee’ means: (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in section 207 (e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually

residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or be subject to persecution for such failure, refusal or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion."

With regard to refugees resettled in the United States, the U.S. Government promotes economic self-sufficiency as quickly as possible (limiting the need for public assistance) and encourages refugees to contribute to the diversity and enrichment of our country as have previous immigrants. Federally-funded programs administered by individual states and the District of Columbia have provided cash and medical assistance, training programs, employment and other support services to many refugees. A variety of institutional providers have performed these services, including private voluntary agencies who also provide initial reception and placement services under cooperative agreements with the Department of State. All of these benefits are intended for short-term use during a refugee's transition to becoming an independent, contributing member of the national economy and of American society.

The President proposes to respond to the humanitarian needs of refugees by establishing for FY 2001 an admissions ceiling of 80,000 refugees (76,000 funded and 4,000 unfunded) for permanent resettlement in the United States. Implementation of this proposed ceiling is dependent on full funding of the Administration's FY 2001 budget request for the Migration and Refugee Assistance (MRA) account. Following is a chart containing actual admissions for FY 1999, the FY 2000 ceiling and projected admissions and proposed ceiling for FY 2001.

TABLE I
REFUGEE ADMISSIONS IN FY 1999 AND FY 2000
PROPOSED CEILINGS IN FY 2001

REGION	FY 1999 ACTUAL	FY 2000 CEILING	FY 2000 PROJECTION	PROPOSED FY 2001 CEILING
Africa	13,038	18,000	18,000	20,000
East Asia	10,204	8,000	4,300	6,000 (1)
Europe	38,654	27,000	23,000	20,000
Former Yugoslavia				
NIS/Baltics	16,922	20,000	15,000	17,000
Latin America/Caribbean	2,110	3,000	3,200	3,000
Near East/South Asia	4,078	8,000	9,500	10,000
Unallocated Reserve (2)	--	6,000 (3)	--	4,000 (4)
Total (funded & unfunded)	85,006	90,000	73,000	80,000
Total (funded only)		85,000		76,000

- (1) This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.
- (2) The unallocated reserve is to be used where the needs for additional numbers develops and only upon notification to the Congress.
- (3) Includes 5,000 additional unfunded numbers, to be used if needed and if necessary funding can be identified with existing Department of State and Health and Human Services appropriations, and only upon notification to Congress.
- (4) Unallocated reserve comprises 4,000 unfunded numbers.

The President also proposes to specify that special circumstances exist so that, for the purpose of admission under the limits established above and pursuant to section 101(a)(42)(B) of the INA, certain persons, if they otherwise qualify for admission, may be considered as refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence. Proposed for in-country processing for FY 2001 are persons in Cuba, Vietnam and the NIS/Baltics.

In addition to the proposed admission of refugees from abroad, the Immigration and Naturalization Service (INS) will be authorized to adjust to the status of permanent resident alien 10,000 persons who have been granted asylum in the United States and have been in the United States for at least one year, pursuant to Section 209(b) of the Immigration and Nationality Act.

In the regional descriptions which follow, an overview of refugee-generating conditions is provided. In addition, opportunities for voluntary repatriation, resettlement within the region, and third-country resettlement are noted.

B. RESETTLEMENT NEEDS IN FY 2001

1. AFRICA

UNHCR reports that there are some 3.5 million refugees in Africa, dispersed among many countries. African refugees comprise about 30 percent of the world's estimated refugee population of 12.9 million. Historically, the flow of refugees throughout Africa has been fluid, with people moving in large numbers. Individual nations have been both refugee generating and receiving countries. Traditionally, most African countries have honored the principles of first asylum. Refugee populations were allowed to cross into neighboring countries and received protection and assistance, without encountering threats of refoulement. They were permitted to remain until repatriation was possible. There have been several serious incidents over the past few years, however, that indicate that this tolerance may be lessening.

The African refugee resettlement program has grown steadily over the past ten years. However, resettlement remains only one option for assisting refugees. Large increases in resettlement levels have stretched the capacity of the existing Nairobi-based refugee processing infrastructure. For this reason, we believe the ceiling for African resettlement should increase modestly in FY 2001. To address the capacity issue, a second center for processing African refugees will be established in Accra in FY 2001.

In FY 2000, significant developments include: the official designation of approximately 10,000 Bantu Somali refugees in Kenya as a P-2 group; another major increase in processing in Cairo (by almost 50 percent); the rescue of some 1,500 "at-risk" persons in the Democratic Republic of the Congo, of whom the majority are expected to arrive in the U.S. this fiscal year; and the P-2 designation of approximately 3,300 Kakuma Youth.

Voluntary Repatriation

Over the past few years, many of Africa's long-standing refugee populations have returned home. In 1996 and 1997, 1.2 million Rwandans returned from Burundi, Zaire and Tanzania. In 1997 and 1998, refugees began returning to Ethiopia, Eritrea, Somalia, Mauritania, Mali, Togo, and Liberia. At present, Sierra Leone appears unlikely to be able to receive large-scale repatriation in

the foreseeable future. The situation in Sudan remains volatile and unsafe for repatriation of the 400,000 or more Sudanese refugees in neighboring countries. Most Somali refugees are unlikely to be able to return soon, with the exception of some from northern Somalia.

Resettlement within the Region

While African nations historically have provided first asylum for refugees, most countries have not been willing to offer permanent resettlement. There is increasing concern, however, that this spirit of hospitality may be waning. Indefinite first asylum without threat of refoulement had previously approached conditions of local integration. This may no longer be the case.

Burkina Faso, Benin, and the Republic of South Africa are three notable recent exceptions to the negative trend. All three countries have offered permanent resettlement to African refugees, and by the end of 1998, all three countries had resettled small numbers. In Burkina Faso and South Africa, UNHCR's resettlement trust fund facilitated resettlement.

In another act of generosity towards refugees, both Benin and Cameroon allowed at-risk Tutsis to be brought to their territories for processing, despite the risk that some might be found ineligible for admission to the U.S. or other resettlement countries. This courageous step enabled the U.S. and other countries to move the at-risk population out of the Democratic Republic of the Congo where they were in detention or hiding.

Third-Country Resettlement Outside the Region

Third-country resettlement outside of Africa remains a necessary and important component of refugee protection and assistance for African refugees. Continuing ethnic tensions and fighting, human rights abuses, competition for resources, political upheaval and change, and religious intolerance can all be expected to generate refugees. Resettlement outside the region can become necessary for the protection of some refugees when repatriation (or local integration) is not an option. In other cases, refugees have been so severely traumatized by past persecution that return home is not possible. Third country resettlement plays a key role for residual populations who cannot return home safely for security or other reasons.

U.S. Admissions Program

The U.S. resettlement program for African refugees accepts considerably more people per year than the combined total of all other resettlement countries. Coordination for most refugee admissions processing in Africa is done by the U.S. Embassy in Nairobi, assisted by a Joint Voluntary Agency (JVA) and the International Organization for Migration (IOM). There is a JVA sub-office in Dakar that continues to handle an increasing load of West African processing. In FY 2001 we plan to phase out the Dakar office and fund a full-service JVA in Accra in addition to adding a refugee coordinator to the U.S. Embassy there. This will increase our capacity to process in Africa. Processing takes place all over sub-Saharan Africa on the basis of circuit-rides that call for careful coordination among UNHCR (identification of refugees for processing and logistical support on site), JVA (case preparation), INS (adjudication), and IOM (medical screening and travel arrangements).

The U.S. program also processes many African refugees in Cairo. Since FY 1998 this element of the program has undergone significant, continuous expansion, primarily to address the needs of Sudanese and some Somali refugees in Egypt. UNHCR has referred the majority of the cases, IOM prepares the casework, and INS officers adjudicate the cases on a circuit ride basis.

FY 2000 Program

The U.S. admissions program for FY 2000 includes a ceiling of 18,000 admissions for Africa. The program continues to be diverse both in terms of nationalities admitted to the U.S. and processing locations. In FY 1999, African refugees were admitted to the U.S. from 24 nationalities processed in 42 countries (of the processing countries, 26 were in Africa and 16 were outside of Africa). The program is showing similar diversity and reach in FY 2000.

Another striking feature of FY 2000 has been the continued enormous increase in P-3 applications based on U.S. – based relatives having filed Affidavits of Relationship (AORs) on behalf of refugees in Africa. During FY 1999 and the first quarter of FY 2000, we estimate that AORs for at least 130,000 presumably eligible individuals have been filed. Thousands more were filed on behalf of ineligible applicants, and in a time-consuming process, these were weeded out and returned. Because time-consuming data entry and database checking are required for each AOR, as of May 2000 JVA Nairobi was working on applications received in April 1999. Additional staff have been hired to speed this process, but it will take considerable time to work through the backlog. As noted last year, the expansion of eligible countries from five in FY 1998 to eighteen in FY 1999 led to this dramatic expansion in the number of applicants. Due to changes in country conditions, the number of countries now eligible has been reduced to twelve and will be further reduced to six in FY 2001.

FY 2001 Proposal and Processing Priorities

We propose a ceiling of 20,000 African refugees for FY 2001. This reflects both an assessment of the resettlement need in Africa and the management aspects of expanding the program responsibly and effectively. As in previous years, the population resettled in FY 2001 will be diverse and scattered over the continent. Continued emphasis will be placed on both Priority One and Priority Two referrals into the program, with Priority Three access available to close relatives of six nationalities (as well as any eligible relatives from any of the eighteen nationalities eligible last year for whom applications remain pending processing).

All nationalities will continue to be eligible for Priority One processing when referred to the U.S. program by UNHCR or a U.S. Embassy. Priority Two designations will continue on an ongoing basis as discrete groups with unifying characteristics are identified as in need of resettlement. As noted above, the list of nationalities with Priority Three eligibility has been modified in response to changing country conditions.

Religious Freedom in Africa

For the majority of countries in sub-Saharan Africa, religious freedom and peaceful coexistence are the rule, even where other conflicts hold sway. For example, Ethiopia has a large Muslim as well as a diverse Christian population, yet, except for minor problems, the religious freedom of all groups is respected. The primary exception to the rule is Sudan, where the longest ongoing civil war in the world has a significant religious dimension. The breakdown in the 1980s

of the autonomy agreement that had given eleven years of peace to Sudan was closely related to the rise of a militant brand of Islam in the dominant north of the country and subsequent attempts to impose Sharia law on all Sudanese, including Christians. In areas controlled by the North, access to early education, as well as other social services, has been made far easier for Muslims than for Christians and others. The Government in Khartoum has conducted or tolerated attacks on civilians, indiscriminate bombing raids, and slave raids on the South, all with a religious as well as an ethnic dimension. In the North, where many of the four million internally displaced Sudanese (mostly Southerners) live, harassment and persecution of Christians, including arrests of clergy on apparently trumped-up charges, and refusal to issue building permits for churches and church-related buildings is the rule rather than the exception.

The U.S. admissions program has in recent years increased its focus in Egypt, Ethiopia, and Kenya on these Sudanese victims of religious discrimination and persecution. The refugee processing program in Cairo was expanded last year with these refugees as the primary beneficiaries. The same is the case with the placement of an American Junior Professional Officer (JPO) to support UNHCR resettlement efforts in Ethiopia. Currently, plans are under way to resettle a group of several thousand young Sudanese refugees now in camps in Kenya, including over a hundred unaccompanied minors.

2. EAST ASIA

First Asylum

Since 1975, the United States has provided refugee resettlement for nearly 1 million Vietnamese, Laotians, and Cambodians who fled to neighboring countries. In addition, the United States provided resettlement opportunities for another 500,000 Vietnamese who were processed through the Orderly Departure Program in a combination of refugee and immigrant programs.

Currently approximately 3,000 Indochinese -- some 2,700 Vietnamese, a small number of Cambodians, and 115 Laotians -- remain in first asylum in Thailand, Hong Kong, and the Philippines. The Lao refugees are in a camp in Thailand and, recently, many have indicated and interest in U.S. resettlement. Most of these cases will be processed this fiscal year. The Cambodians remaining in Thailand fled during July 1997 and are located in and around Bangkok. About 1,400 Vietnamese refugees remain in Hong Kong and 1,500 screened-out boat people remain in the Philippines. It is likely that at least some will be permitted to integrate locally in the Philippines. In February, the Hong Kong government announced that it would allow its 1,400 refugees to apply for resettlement as Hong Kong residents.

Thailand currently hosts some 117,000 members of Burmese ethnic minorities and students in encampments along its border with Burma. In addition, about 2,700 Burmese students/dissidents are housed in the Burmese Center, the Burmese refugee processing site in Ratchaburi province, or in Bangkok. The majority of the Burmese students/dissidents are recognized by UNHCR as "persons of concern." In the fall of 1999, following a 24-hour take over of the Burmese Embassy in Bangkok by five Burmese activists, the Royal Thai Government asked the UNHCR to expedite the resettlement of these refugees. The U.S. participates in this UNHCR-led, multinational effort.

Other groups of East Asian refugees are located in Bangladesh and Indonesia. Bangladesh currently hosts some 22,000 Rohingya refugees from Arakan State in Burma. In 1991-92 approximately 250,000 Rohingyas fled to Bangladesh after the Burmese government began to target this religious (Moslem) and ethnic minority. The vast majority has been successfully repatriated. Two camps in Bangladesh house the remaining population.

Over the past several years, the situation in Indonesia has become more volatile as incidents of nationalism, ethnic intolerance, and religious factionalism have escalated and become increasingly violent, resulting in thousands of deaths. Areas that have experienced violence, include East Timor, Aceh, Irian Jaya, Kalimantan, and the Moluccas. The Government of Indonesia continues to struggle to restore order, and to limit bloodshed.

About 270,000 East Timorese left East Timor in the wake of the post-independence referendum violence in September 1999. Most fled to West Timor. Some 100,000 remain in West Timor and some of these are expected to eventually return to East Timor. The residual population is expected to resettle in West Timor or be relocated to other areas of Indonesia by the Government of Indonesia.

Voluntary Repatriation

Since 1980, the UNHCR has facilitated the voluntary repatriation of more than 500,000 Indochinese -- 115,000 Vietnamese, 28,000 Laotians, and some 360,000 Cambodians. Following repatriation, UNHCR monitored the returnees to ensure their safety. In addition, the UNHCR provided returnees with cash stipends and managed reintegration assistance programs to help the returnees integration back into society. No evidence of a policy or pattern of persecution or discrimination against these repatriates has been documented.

Since 1992, nearly 230,000 Rohingyas have returned to Burma. Some 22,000 remain in Bangladesh. Although 7,000 of these have signed up for a final wave of voluntary repatriations, the pace of repatriations over the past year has been very slow. Recently the Burmese government expressed willingness to resume a more regular pattern of repatriations. However, no imminent solution appears for the residual population, although the Bangladeshi government has indicated that some local integration may be possible for some of this population.

Resettlement in the Region

The willingness of countries in the region to resettle refugees or even to grant temporary asylum is constrained by security and economic concerns, as well as cultural, religious, and political sensitivities. It appears likely, however, that the Philippines and Hong Kong will integrate most of the 2,700 Vietnamese migrants who were not resettled under the Comprehensive Plan of Action for Indochinese Refugees (CPA).

On several occasions over the last few years, Thailand has pushed Burmese refugees back across the border into Burma. The Thai government officially labels Burmese asylum seekers as "displaced persons" who are permitted to enter Thailand only if they are fleeing actual fighting. However, since July 1998, the Thai government has allowed the UNHCR to establish three field offices along the Thai/Burma border to exercise its protection mandate. UNHCR regularly visits

the camps and has undertaken a registration of the Burmese in the camps along the border. In addition, the UNHCR has assisted with the movement and consolidation of several camps which were moved to areas further away from the border for security reasons.

Third-Country Resettlement

Though the United States was the major resettlement country, Australia, Canada, and France, all resettled well over 100,000 Indochinese refugees each. Other countries, including Belgium, Denmark, Germany, Italy, Japan, the Netherlands, New Zealand, Norway, Sweden, and Switzerland also resettled thousands of Indochinese refugees. It is worth noting, however, that since 1975 the U.S. alone resettled nearly 1 million Indochinese refugees from first asylum countries, a total which surpasses all other third-country resettlement combined.

U.S. Admissions

The U.S. refugee admissions program in Southeast Asia consists of two basic parts: admissions from first asylum countries to which refugees have fled and admissions through in-country processing in Vietnam. From 1989 through June 30, 1997, admissions of Vietnamese and Lao refugees from first asylum countries was carried out in accordance with the CPA. From January 1980 until September 30, 1999, the admission of Vietnamese refugees directly from Vietnam was carried out by the Orderly Departure Program (ODP) office in Bangkok, Thailand.

As only a small number of ODP refugee applicants who registered for consideration prior to the September 30, 1994, registration deadline remain to be interviewed, the ODP office in Bangkok, Thailand was closed on September 30, 1999. The remaining small number of residual refugee cases are being processed by the Refugee Resettlement Section (RRS) at the U.S. Consulate General in Ho Chi Minh City (HCMC), Vietnam. We expect to complete the interviewing of all ODP refugee cases before the end of calendar year 2000.

Under ODP, nearly 500,000 Vietnamese refugees, immigrants, and parolees were resettled in the United States. ODP was established in January 1980 to provide a safe and legal means of departing Vietnam. Under the auspices of ODP, the U.S. processed for admission to the United States both refugee applicants and immigrant visa beneficiaries. By the late-1980s, the refugee component of ODP focused primarily on Vietnamese who were either detained in re-education camps for a minimum of three years because of their close association with pre-1975 U.S. programs and policies in Vietnam or who had been direct-hire employees of the USG for five or more years. On September 30, 1994, after nearly fourteen years, registration for ODP refugee programs closed. Prior to the deadline, the USG made a concerted effort to ensure that information about the registration deadline was disseminated in both Vietnam and the United States.

With the opening of the U.S. Consulate General in HCMC in August 1999, responsibility for processing immigrant visa applications for Vietnamese was turned over to the Consulate General's Consular Section.

The Amerasian immigrant program remains an integral part of the East Asian refugee admissions program. Although the "Amerasian Homecoming Act" of 1987 designated Amerasians as a special class of immigrant, they are accorded refugee benefits and are therefore included in the refugee admissions ceiling for consistency with the budgetary process. Large-scale processing of

the Amerasian caseload was completed in 1993, although direct registration and processing of the small number of remaining qualified applicants continues. The Refugee Resettlement Section (RRS) at the Consulate General in HCMC has responsibility for processing Amerasian cases.

In January 1997 the U.S. and Vietnam agreed on a process and procedures for implementing the Resettlement Opportunity for Vietnamese Returnees program (ROVR). Actual processing of ROVR cases, however, began very slowly due to difficulties the Government of Vietnam experienced in attempting to clear the large number of ROVR applicants for their INS interviews. As a result, in October 1997, Vietnam announced that it was taking steps to accelerate interview clearance procedures. The new procedures have resulted in the clearance for interview of some 20,279 of the 20,954 individuals eligible for consideration under the program. We expect ROVR interviews to be completed this calendar year.

FY 2000 Program

The FY 2000 allocation for East Asia is 8,000. With the closure of the ODP office in Bangkok at the end of FY 1999 responsibility for completing the processing of ODP and ROVR cases was transferred to the newly-established Refugee Resettlement Section at the U.S. Consulate General in HCMC. As part of this transfer, new processing facilities had to be identified and renovated to meet USG security guidelines. During the transfer phase, Amerasian and Visas 93 processing has continued, but refugee interviews for ODP, including McCain Amendment cases, and the ROVR programs were temporarily suspended. Interviews for all residual ODP and ROVR refugee cases should be completed by the end of CY 2000. We intend to process all McCain-eligible cases as quickly as possible.

In addition to the refugee cases of ROVR applicants and former re-education detainees, the RRS will manage the processing of the U11-eligible cases. (Eligibility for this program is limited to those Vietnamese who were direct-hire employees of the USG for a minimum of five years.) Processing of this caseload was suspended in November 1996. In the spring of 1999 the USG authorized the resumption of processing for applicants who registered by the September 30, 1994 registration deadline but who had not been interviewed at the time of the November 1996 suspension of the program. In April 1999 all non-interviewed U11 case files were transferred to Washington for review and employment verification. The physical files of all 2,282 applicants in this caseload have been reviewed and employment verification checks through the National Personnel Records Center have been completed. We anticipate conducting INS interviews for eligible U11 applicants later this year.

As we complete the processing of ODP and ROVR cases we are restructuring the refugee program in Vietnam with the goal of providing refugee resettlement opportunities to those individuals who have recently experienced persecution or threats of persecution.

FY 2001 Proposal and Processing Priorities

The proposed admission ceiling for East Asia for FY 2001 is 6,000. Direct resettlement from first-asylum countries is not expected to exceed 1,000 and would include Burmese, Chinese, Vietnamese (the last few from first asylum countries) and Lao. Projected admissions for FY 2001 under the in-country program in Vietnam are 5,000, which will consist primarily of U11, McCain Amendment, ROVR, and Amerasian applicants, plus any remaining re-education camp detainees and eligible family members attached to these caseloads.

All nationalities will continue to be eligible for Priority One processing when referred to the U.S. program by UNHCR or a U.S. Embassy. Completion of processing of the residual ODP and ROVR cases in Vietnam will continue to be processed under Priority Two.

Religious Freedom in East Asia

The U.S. admissions program for East Asia processes refugee cases referred by UNHCR and U.S. Embassies, including those claims which are based on persecution due to individual religious beliefs. Over the past several years, we have worked closely with UNHCR to strengthen the referral process. Most countries in the East Asia region permit freedom of worship. However the religious freedom situation in China is worsening. The government actively suppresses those religions it cannot directly control, most notably the Falun Gong spiritual movement, the Vatican-affiliated (underground) Catholic Church, Protestant “House churches,” some Muslim groups, and followers of the Dalai Lama in Tibet. Followers are frequently arrested, jailed and/or beaten. The situation in some countries such as Vietnam and Laos is mixed. The Vietnamese constitution and Vietnamese government decrees provide for freedom of worship; however, the Government restricts those organized activities of religious organizations that it defines as being at variance with state laws and policies. Most independent religious activities are either prohibited or severely restricted. For example: all Catholic seminary students must be approved by the government and are limited to 500 students; all Buddhist monks are required to work under a party-controlled umbrella organization; and Protestant ethnic Hmong are harassed for distributing bibles and other religious literature in northern villages. The situation for some religious groups in Laos is similar. In Myanmar, the government actively persecutes most non-Buddhist religions (particular in the cases of minority ethnic groups such as the Karen and Chin). The religious freedom situation in North Korea is particularly hard to gauge given the extreme lack of access provided by the government; however, most indications are that religious freedom is severely circumscribed.

3. EUROPE

Refugee admissions from Europe come from two large resettlement programs: one for refugees from the Newly Independent States and the Baltics and one for refugees from the former Yugoslavia. The programs are discussed below individually.

FORMER SOVIET UNION/NEWLY-INDEPENDENT STATES AND BALTICS

Stagnant economic conditions dominate Russia and most other countries of the NIS as a result of economic interdependence. While political and press freedom thrive in Russia and relatively free and fair elections were carried out in other NIS and Baltic countries as well, elections in some republics were manipulated by the parties in power with the press and media restricted or threatened. Politically-motivated murders in Russia and other countries continue, including kidnapping and murder of international aid workers. The nations that once comprised the Soviet Union now show a wide divergence of progress in achieving democracy, rule of law, economic growth and tolerance.

Freedom of religion similarly varies from country to country and among regions in Russia. While most evangelical churches have been registered and permitted to practice freely, some still have problems with recalcitrant local authorities who object to “foreign” groups and foreign

missionaries. Anti-Semitic statements by some elected officials, demonstrations by neo-Fascist groups and at least one attack on a synagogue confirm the need for continuing concern for the diminished Jewish population in Russia.

Third-Country Resettlement

In addition to the United States, Germany, Canada and Australia continue to resettle immigrants and refugees from the countries of the Newly Independent States and Baltics. Soviet Jews continue to emigrate to Israel, with figures for 2000 estimated at 65,000.

U.S. Admissions

Refugee admissions processing for the FSU Program is carried out in Moscow for groups identified in the Lautenberg Amendment (PL 106-113): Jews, Evangelical Christians and certain members of the Ukrainian Catholic and Orthodox Churches. Most refugees from the former Soviet Union now being interviewed have family ties to the U.S. and are being processed as family reunification cases. The large backlogs of the early 1990s have been eliminated and most eligible cases are scheduled for appointment within six to eight months of the date of application. Eligible new applications average 1,000 to 1,100 cases per month. In FY 2000, the Department of State and U.S. Immigration and Naturalization Service began circuit rides to the Caucasus and central Asia to consider cases of some Lautenberg applicants for whom travel to Moscow was difficult, as well as referrals from the UN High Commissioner for Refugees for third-country nationals. UNHCR submitted a number of referrals for consideration in Moscow as well, which INS is integrating into its regular Lautenberg interviewing schedule.

FY 2000 Program

In FY 2000, we expect to admit approximately 15,000 refugees from the NIS/Baltics. This number anticipates that some portion of those long-approved cases that have failed to travel will do so when contacted about their need to take advantage of the opportunity to emigrate to the U.S. or risk losing it. The overall admissions projection is lower than the ceiling, however, due to a consistent decline in the number of new, eligible applications for the program.

FY 2001 Proposal and Processing Priorities

We propose an allocation of up to 17,000 admissions for refugees from the NIS/Baltics during FY 2001. This lower number represents the continuing decline of Lautenberg Program applications.

Eligibility criteria for the program in FY 2001 are as follows: all nationalities will be eligible for Priority One. Persons who were nationals of the NIS/Baltics and members of one of the Lautenberg Amendment groups prior to September 2, 1991, will be eligible for Priority Two processing in-country.

Religious Freedom in the NIS/Baltics

Following the breakup of the Soviet Union, freedom of religion varies widely in the countries of the Newly Independent States and Baltics. Most states regulate religious groups and activities, specifying a set of "traditional" religions with certain privileges denied to other groups.

Following the example of Russia in 1997, many states responded with more restrictive legislation to govern the activities of foreign missionaries. Registration in many cases is required not only to establish a group as a legal entity, which could rent or own space, but even in some cases, a group's right to hold services. In most countries, obstruction or delay of registration, usually by local officials, continues to frustrate some denominations perceived as "foreign" or as "cults". In some countries, one's faith may be associated with ethnicity, patriotism, nationalism, or even with terrorism, authorities are suspicious of religious groups perceived as having political agendas and organizations.

FORMER YUGOSLAVIA

Nationals of the countries of the former Yugoslavia, particularly Bosnia, remain the primary population of asylum-seekers in Europe outside the former Soviet Union. In 1999, Serb offensives in Kosovo displaced hundreds of thousands of ethnic Albanians. The vast majority of these refugees returned following the end of the Kosovo conflict.

Bosnia is divided into two separate administrative areas, one controlled by a Bosnian/Croat federation and the other by ethnic Serbs. While both the human rights situation and repatriation opportunities continue to improve in Bosnia, neither is ideal. The pace of returns continues to quicken, with twice as many refugees returning in 1999 as 1998. The first four months of 2000 have seen even more significant progress on returns with UNHCR reporting a four-fold increase over the same period last year. Isolated security problems remain for those who return to certain municipalities where they would be in the ethnic minority. This is particularly true in Serb-controlled areas.

Voluntary Repatriation

According to UNHCR, over 350,000 refugees who had left the country during the war, had returned to Bosnia by July 1999. Refugee returns are continuing at a rate at least double that of last year. 320,000 internally displaced persons have returned to their homes in Bosnia since the end of the war, and the number is growing.

Resettlement in the Region

UNHCR reports that approximately 35,000 Bosnian refugees remain in Germany, with an additional smaller number in other parts of Europe. Some European countries, particularly Norway, Sweden and Denmark have regularized the status of Bosnians who were in those countries under temporary protective status and granted them permanent or long-term status. However, Germany has not granted permanent status to Bosnian refugees to date. These Bosnian refugees must therefore either seek third country resettlement or return to Bosnia although UNHCR continues to urge asylum countries, including Germany, to continue to provide temporary asylum to Bosnian refugees. This is particularly important for those who cannot yet return in safety and security to areas where they would be in the minority.

Croatia also has a large population of refugees from the Bosnian conflict. The Croatian government has at least 7,000 Bosnian Muslim registered refugees remaining in Croatia without permanent status. We estimate that thousands more remain without benefit of registration.

An estimated 200,000 ethnic Serbs who fled from the Krajina region of Croatia now live in Serbia. Many of these refugees had been temporarily resettled in Kosovo and were uprooted once again during the Kosovo conflict in 1999. Recent political changes, however, have improved the resettlement climate in Croatia for Krajina Serbs.

Third-Country Resettlement

In addition to the United States some countries in Western Europe, Australia and Canada resettle refugees from the former Yugoslavia. Third-country resettlement programs continue for refugees from earlier conflicts in the former Yugoslavia who cannot return in safety and security.

U.S. Admissions

The U.S. admissions program for refugees from Eastern Europe focuses on vulnerable refugees who cannot return home safely or who remain in first asylum. The United States also provides Temporary Protected Status to individuals from Kosovo of both Albanian and Serbian ethnicities.

Bosnians from certain groups considered likely to be at risk remain eligible to apply directly for resettlement processing. In addition, UNHCR refers other refugees from the former Yugoslavia who are in need of third-country resettlement. While the admissions program initially accepted mainly Bosnian Muslims, Bosnians of all ethnicities have been eligible since FY 1997. UNHCR referrals also include Croatian Serb refugees from Croatia's formerly Serb-majority area of the Krajina and from Eastern Slavonia.

FY 2000 Program

We anticipate that some 23,000 refugees from the former Yugoslavia will be admitted during FY 2000. This will include 12,000 from Germany, 10,000 from Croatia and 4,500 who are being processed in Timisoara, Romania.

FY 2001 Proposal and Processing Priorities

The Balkan refugee population requiring resettlement in FY 2001 and beyond will depend on the overall prospect for returns to the former Yugoslavia, the availability of continued protection in countries of first asylum, and the pressure those governments exert on refugees to repatriate. We propose a ceiling of 20,000 admissions from the former Yugoslavia for FY 2001. We continue to urge countries which have provided temporary protection to support UNHCR's comprehensive strategy on repatriation and returns, which includes continued protection for vulnerable ethnic groups, including many who came from areas where they would be in the ethnic minority. In addition to Bosnians, for the coming year, we anticipate that there will remain the need for resettlement of some individual Serbs, Kosovar Albanians and Roma, displaced as a result of the Kosovo conflict.

All nationalities (and ethnicities) will be eligible for Priority One referrals from UNHCR or Embassies. Bosnians of all ethnic groups are eligible for Priority Two. However, given the changing political landscape and increasing pace of returns, we are reviewing the future directions of the Bosnia admissions program. Currently, under Priority Two, Bosnians eligible to apply for admission to the United States include the following:

- 1) Former detainees who were held on account of ethnicity or political or religious opinion;
- 2) Victims of torture or systematic violence against members of targeted ethnic groups by governmental authorities or quasi-governmental authorities in areas under their control;
- 3) Surviving spouses of civilians who would have been eligible under these criteria if they had not died or disappeared in detention as a result of torture or violence; and
- 4) Persons in mixed marriages of any two ethnicities of the former Yugoslavia.

Religious Persecution in the Balkans

Persecution on religious grounds has been a significant factor in both the Bosnia and Kosovo resettlement efforts. The refugee admissions program has provided access to protection for persecuted Muslims, Catholics, and Orthodox Christians, as well as individuals of other religious minorities. We will continue to work with UNHCR, faith-based non-governmental organizations, human rights groups, and U.S. missions to identify victims of persecution for whom resettlement is appropriate.

4. LATIN AMERICA AND THE CARIBBEAN

Voluntary Repatriation

Voluntary repatriation remains a durable solution for most refugees in the region.

Resettlement in the Region

The U.S. assists with the resettlement of Cuban migrants – those interdicted by the Coast Guard or who enter GITMO illegally and are found by INS to have a credible fear of persecution -- to other countries in the region and, occasionally, in Europe. Through the end of CY 1999, 90 Cubans have been resettled from Guantanamo to third countries.

U.S. Admissions

Almost all refugee processing in the region is done in Cuba. Historically, the majority of Cuban admissions have been, and remain, former political prisoners and forced labor conscripts, most of whom served their sentences in the 1960's and 1970's. The program was expanded in 1991 to include human rights activists, displaced professionals, and others. The expanded criteria remain in effect today. In addition to in-country processing, any Cuban outside Cuba referred to the U.S. by UNHCR or by an Embassy under Priority One may also be considered for resettlement.

Cubans eligible to apply for admission to the U.S. through the in-country program under Priority Two include the following:

- (1) Former political prisoners;
- (2) Members of persecuted religious minorities;
- (3) Human rights activists;
- (4) Forced labor conscripts (1965-68);
- (5) Persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatments resulting from their perceived or actual political or religious beliefs;

- (6) Others who appear to have a credible claim that they will face persecution as defined in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol.

FY 2000 Program

In FY 2000, we anticipate the admission of 3,200 Cuban refugees. In addition to these refugee admissions, there will be approximately 17,000 Cuban admissions through other legal means of emigration, such as the parole lottery program. Oppression by the Cuban government generally is subtler than during the period immediately following the revolution, however, crackdowns against human rights activists continue to occur.

All refugee admissions are counted towards the U.S.-Cuba Bilateral Migration Agreement of September 9, 1994, which provides for the approval of at least 20,000 Cubans annually for legal admission to the U.S.

FY 2001 Proposal and Processing Priorities

We propose maintaining a ceiling of 3,000 in FY 2001 for Latin America and the Caribbean. Most will be admitted via in-country processing in Havana. Although the current strife in Colombia is resulting in a large number of internally displaced persons and a small number of refugees crossing into Panama, we do not envision processing large numbers of Colombians for admission to the United States.

All nationalities are eligible for Priority One processing. In addition, Cubans are authorized in-country processing under Priority Two.

Religious Freedom in Latin America

In Latin America generally, religious freedom is widely recognized and enjoyed. The key exception is Cuba, where the government engages in active efforts to monitor and control religious institutions, including surveillance, infiltration, and harassment of clergy and members; evictions from and confiscation of places of worship; and preventative detention of religious activists. It also uses registration as a mechanism of control; by refusing to register new denominations, it makes them vulnerable to charges of illegal association (see International Religious Freedom Act Report, September, 1999). Despite these obstacles to religious expression, however, church attendance has grown in recent years.

5. NEAR EAST AND SOUTH ASIA

Although this region has the largest number of the world's refugees, few countries in the region are signatories to the 1951 UN Convention Relating to the Status of Refugees and/or its 1967 Protocol. In spite of this, countries in the region have provided some degree of long-term protection to many refugees, particularly Palestinians and Afghans, although support for the latter is eroding in several host countries. Countries in the region have also provided long-term asylum for Tibetan, Bhutanese and Sri Lankan refugees. The majority of the refugees identified for third-country

resettlement by UNHCR are Iraqis, Iranians and Afghans. These refugees, mostly religious and ethnic minorities, have sought refuge in Pakistan, Saudi Arabia, Turkey, Jordan, Syria, India, Lebanon and other neighboring countries.

Voluntary Repatriation

Continued conflict between the Taliban and other factions, the Taliban's policies discriminating against women and girls, and the uncertain security environment caused by the Taliban's protection of Usama bin Ladin, have caused new outflows of Afghans and dramatically reduced the ability of UN organizations to conduct and monitor repatriation of Afghan refugees. Prospects for voluntary repatriation was reduced in 1999 by the severe drought affecting the region. In February 2000, Iran and UNHCR signed an agreement under which Iran and UNHCR conduct joint screening of Afghan asylum-seekers in Iran. Under this program, since April 2000, 45,000 Afghans have voluntarily repatriated and 20,000 have requested continued asylum.

Resettlement in the Region

Many countries in the region have been generous with long-term asylum, but few offer permanent resettlement to refugees from neighboring countries. Pakistan has given refugee status only to Afghans, and in late 1999 the Pakistani Government began to eliminate protection afforded urban refugees and others not already settled in refugee camps. India, long a de facto protector of refugee groups in urban centers, in 1999 began denying renewal of residence and work permits, and refouled several dozen Afghans. Yemen is a signatory to the 1951 UN Convention and its 1967 Protocol, although few of the refugees who seek asylum there are from other countries of the Middle East.

Third-Country Resettlement

The lack of asylum legislation and legal protection for asylum-seekers in the region leaves many refugees at risk of refoulement. The situation is often especially precarious for Iranians and Iraqis, who are often viewed with suspicion or hostility in neighboring countries. In these cases, resettlement outside the region may be the only option, and can help maintain the availability of first asylum.

In 1999, UNHCR, with U.S. funding and secondments of staff from non-governmental organizations, undertook a project to reduce the backlog of refugees awaiting status determinations in the Middle East; most of these refugees required third country resettlement. Principal resettlement countries besides the United States are Sweden, Canada, Norway, Australia, Finland, Denmark and New Zealand. UNHCR considers family reunification, protection issues and vulnerability in first-asylum when determining which individuals to refer to resettlement countries. In recognition of the increased vulnerability of Afghan women caused by restrictive Taliban measures and deterioration in security in first-asylum, the United States and other countries have offered resettlement on a priority basis to those individuals identified as at-risk by UNHCR.

U.S. Admissions

The admissions program for the Middle East and South Asia resettles mostly refugees from Iran and Iraq, as well as Afghan women-at-risk. The Iranians and Iraqis are dispersed throughout the region and in Europe, and relatively few are located in refugee camps. Most refugees from the

region are referred to the United States by UNHCR, although those eligible can apply directly for interview where INS has refugee processing offices, as in Athens, Rome, Frankfurt or Vienna. INS expanded the number of circuit rides for refugee processing in the region in FY-2000, including trips to Lebanon, Yemen, Cyprus, Kuwait and Saudi Arabia along with its regular visits to Turkey, Syria and Jordan. In response to the increased ceiling and deteriorating conditions for Afghan Women-at-Risk in Pakistan, the Department of State established a permanent case processing office in Islamabad, and INS assigned an Officer-in-Charge to oversee its new permanent Islamabad office. Temporary-duty officers are also seconded regularly to conduct refugee interviews.

FY 2000 Program

The FY 2000 ceiling for the Near East and South Asia is 8,000. We expect to admit approximately 9,500 refugees from this region. We estimate that some 1,800 refugees from the region will be admitted via Europe, primarily Iranians and Iraqis. UNHCR has referred approximately 3,000 in Syria, Jordan and Turkey; some 1,500 Afghans (including 400 families headed by Afghan women-at-risk) and 1,200 others in Pakistan, 400 in India and 1,300 in Lebanon, where the U.S. began refugee processing for the first time ever in late 1999. Small numbers are also being processed elsewhere in the world.

FY 2001 Proposal and Processing Priorities

We propose a ceiling of 10,000 in FY 2001 for refugees from the Near East and South Asia. The United States supports UNHCR's efforts to use resettlement to provide protection for refugees in the region deemed at risk or in need of a durable solution. We welcome referrals from UNHCR, particularly of refugees who are persecuted religious minorities, and Women-at-Risk. Refugees eligible for Priority Two may apply directly at INS offices which handle refugee processing. In Syria, UNHCR will continue to facilitate interviews for persons already eligible for U.S. resettlement consideration in Priority Two in order to focus on protection and referral of individuals who would not otherwise be eligible for resettlement. Iranians and Iraqis will no longer be eligible for new Priority Three processing.

All nationalities are eligible for processing under Priority One. Iranians who belong to persecuted religious minorities will be eligible for Priority Two.

Religious Persecution in the Near East and South Asia

Persecution of religious minorities is common in certain countries in the Middle East and South Asia. In Pakistan, discriminatory legislation has encouraged an atmosphere of violence, which has led to acts of violence by extremists against religious minorities, including Christians, Hindus, Ahmadis and Zikris. In India, responses by state and local authorities to extremist violence against religious minorities were often inadequate. In some cases, local police and officials abetted the violence. In Saudi Arabia, public non-Muslim worship is a criminal offense, as is conversion of a Muslim to another religion. There were instances of arbitrary and prolonged detention. In Iraq and Iran, particularly severe persecution of minority religions continued, including executions. Iranian refugees who belong to religious minorities (Bahais, Jews, Zoroastrians, Christians) are able to apply directly for U.S. resettlement where refugee processing is available. In addition, UNHCR and U.S. Embassies in the region facilitate access to the U.S. refugee admissions program for individuals of other nationalities who claimed persecution on religious grounds. We will continue efforts to improve access to refugee processing through dialogue with faith-based non-governmental

organizations and human rights groups who may identify victims of religious persecution in the region. UNHCR has also addressed religious persecution issues in several regional workshops to increase the sensitivity of protection and resettlement officers to victims of religious persecution.

6. UNALLOCATED RESERVE

Included in the FY 2000 admissions program was an unallocated reserve of 1,000 funded and 5,000 unfunded admissions that can be used if needed, after notifying the Congress. Given the uncertainty surrounding final resolution of regional conflicts around the world, for FY 2001 we propose an unallocated reserve of 4,000 unfunded numbers.

II. PLANS FOR MOVEMENT AND RESETTLEMENT

A. ADMISSIONS PROCEDURES

1. ELIGIBILITY CRITERIA

Applicants for refugee admission to the United States must meet all of the following criteria:

- (1) Meet the definition of a refugee contained in the Immigration and Nationality Act;
- (2) Be among those refugees determined by the President to be of special humanitarian concern to the United States;
- (3) Be otherwise admissible under United States law; and,
- (4) Not be firmly resettled in any foreign country.

Although a refugee may meet the above criteria, the existence of the U.S. refugee admissions program does not create any entitlement for that person to be admitted to the United States. The admissions program is a legal mechanism for admitting refugees who are among those classes of persons of particular interest to the United States. Applicants who meet the criteria specified above and who fall within the priorities established for the relevant nationality or region, are presented to the INS for determination of eligibility for admission under Section 101(a)(42) of the INA.

2. THE WORLDWIDE PRIORITY SYSTEM

The worldwide processing priority system sets guidelines for the orderly management and processing of refugee applications for admission within the established annual regional ceilings. The priority system has been revised several times during this decade to reflect trends in the world-wide refugee resettlement caseload and to make it more responsive to evolving needs.

The issues of whether a person meets the definition of a refugee under U.S. law and the priority that person may be assigned for consideration of his case are separate and distinct. Assignment of an individual to a particular processing priority does not reflect any judgment as to whether that individual ultimately will qualify for admission to the U.S. as a refugee, although it may reflect an assessment of the urgency of the need for resettlement. Just as qualifying for refugee status does not confer a right to resettlement in the United States, assignment to a particular priority does not entitle a person to admission to the United States as a refugee.

A member of any nationality may be referred to the U.S. program by the UNHCR or a U.S. Embassy under Priority One. This reflects the fact that small numbers of many nationalities are found among the group of refugees that UNHCR determines to be in need of resettlement. The U.S. intends that its resettlement program should be flexible and available to any Priority One refugee -- regardless of nationality -- referred to it for consideration.

**PROPOSED U.S. REFUGEE ADMISSIONS PROGRAM
ELIGIBILITY for REFUGEE PROCESSING PRIORITIES FY 2001**

NATIONALITIES	P – 2	P – 3
Angolans		X
Bosnians	X	
Burmese	X	
Burundians		X
Congolese (Brazzaville)		X
Congolese (DROC)		X
Cubans	X	
Former Soviet Union (1)	X	
Iranians	X	
Sierra Leoneans		X
Sudanese		X
Vietnamese (2)	X	

Notes:

The UNHCR or U.S. Embassies may refer members of any nationality group -- not only those listed in the table above -- for consideration of admission to the United States under Priority 1 (P-1). (For certain nationalities -- to be determined before the beginning of each fiscal year -- prior consultation with DOS and INS Washington will be required.)

- (1) While all persons who were nationals of the former Soviet Union prior to September 2, 1991 are eligible to be considered for refugee processing by establishing a well-founded fear of persecution, Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution. (Lautenberg Amendment).
- (2) Certain ROVR applicants and Vietnamese who were members of certain category groups identified by the INS in 1983 may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution. (Lautenberg Amendment). Registration for consideration under the regular programs of the Orderly Departure Program ended on September 30, 1994.

DESCRIPTION OF U.S. REFUGEE PROCESSING PRIORITIES FY 2000

PRIORITY ONE: UNHCR or U.S. Embassy identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of refoulement; those in danger due to threats of armed attack where they are located; persons who have experienced recent persecution because of political, religious, or human rights activities (prisoners of conscience); women-at-risk; victims of torture or violence; physically or mentally

disabled persons; persons in urgent need of medical treatment not available in the first asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. Priority One referrals must still establish a creditable fear of persecution or history of persecution in the country from which they fled.

PRIORITY TWO: Groups of Special Concern:

Africa: Specific groups (within certain nationalities) as identified by the Department of State in consultation with NGOs, UNHCR, INS, and other area experts. Only those members of the specifically identified groups are eligible for processing. Each group will be selected based on its individual circumstances. Currently, P-2 groups exist for certain nationals of Sudan, Somalia, and Togo.

Bosnia: Former detainees who were held on account of ethnicity or political/religious opinion; persons of any ethnic background in mixed marriages; victims of torture or systematic and significant acts of violence against members of targeted ethnic groups by governmental authorities or quasi-governmental authorities in areas under their control; surviving spouses of civilians who would have been eligible under these criteria if they had not died in detention or been killed as a result of torture or violence.

Burma: Certain members of ethnic minorities who have actively and persistently worked for political autonomy; certain political activists engaged in the pro-democracy movement.

Cuba: In-country, emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and dissidents.

Iran: Members of Iranian religious minorities.

Former Soviet Union: In-country, Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox churches. Preference among these groups is accorded to those with close family in the United States.

Vietnam: In-country, former reeducation camp detainees who spent more than three years in detention camps subsequent to April 1975 because of pre-1975 association with the U.S. government of the former South Vietnamese government; certain former U.S. Government employees and other specified individuals or groups of concern; persons who returned from first-asylum camps in Southeast Asia on or after October 1, 1995 who qualify for consideration under the Resettlement Opportunity for Vietnamese Returnees (ROVR) criteria. In FY 2000, on a case-by-case basis, other individuals who have experienced recent persecution because of post-1975 political, religious, or human rights activities. Completion of the processing of any residual ODP cases registered and previously determined eligible for consideration.

PRIORITY THREE: Spouses, unmarried sons and daughters, and parents of persons lawfully admitted to the United States as permanent resident aliens, refugees, asylees, conditional residents, and certain parolees; the over 21 year old unmarried sons and daughters of U.S. citizens; and

parents of U.S. citizens under 21 years of age. (Spouses and unmarried sons and daughters under 21 of U.S. citizens and the parents of U.S. citizens who is 21 or older are required by regulation to be admitted as immigrants rather than as refugees.)

3. INS REFUGEE PROCESSING

Section 207 of the Immigration and Nationality Act (INA) grants the Attorney General authority to admit, at her discretion, any refugee who is not firmly resettled in a third country, who is determined to be of special humanitarian concern, and who is admissible to the United States as an immigrant. This authority has been delegated to the Immigration and Naturalization Service (INS).

In overseas refugee processing, INS has the statutory role of decision-maker, determining who meets the requirements for refugee status and is otherwise admissible to the United States, under U.S. law.

INS Overseas Operations

INS overseas offices are administered by three District Offices in Bangkok, Mexico City, and Rome. One of their major responsibilities is refugee processing. The percentage of time each office devotes to this activity depends on its refugee workload, as well as the staffing pattern in the office. Overseas staffing is augmented by temporary duty personnel from domestic asylum offices to conduct refugee processing. Circuit rides to process refugees are arranged as needed by the INS overseas offices having geographic jurisdiction.

Case Presentation to INS

Refugee processing procedures prior to INS eligibility interviews vary. Some applicants are referred to the United States Refugee Program (USRP) for resettlement consideration by officials of the United Nations High Commissioner for Refugees (UNHCR). Other applicants are eligible to apply for the USRP directly. These include persons or groups identified under processing priorities as eligible for resettlement consideration. Generally, the Department of State arranges for an overseas processing entity to conduct pre-screening interviews and prepare cases for submissions to INS. This involves completing the required forms and compiling other necessary documents. In in-country refugee processing programs, applicants usually register their interest in resettlement in the U.S. by mailing completed preliminary questionnaires to the appropriate processing entity. These include the Refugee Resettlement Section in Ho Chi Minh City for Vietnamese; the Washington Processing Center for nationals of the INS and the Baltics; and the U.S. Interests Section for Cubans.

The Eligibility Determination

In order to be approved as a refugee, an applicant must establish that he or she has suffered past persecution, or has a well-founded fear of future persecution, on the basis of race, religion, nationality, membership in a particular social group or political opinion. This determination requires the examination of objective and subjective elements of an applicant's claim. A personal interview of the applicant is conducted by an INS officer. The interview is non-adversarial and is designed to elicit information about the applicant's claim for refugee status. Questions are asked about the reasons for the applicant's departure from the country of origin, political or religious

beliefs or activities, and problems or fears the applicant may have had or will have if returned to his/her home country. Conditions in the country of origin are taken into consideration and the applicant's credibility is assessed.

Persecution is the most difficult element of the refugee definition to analyze and apply. While there is no universally accepted definition of the term “persecution,” it normally includes a threat to life or freedom, or other serious human-rights abuse. Discrimination in the treatment of various groups is not, *per se*, persecution but an accumulation of discriminatory measures may involve such a significant denial of opportunities to participate in a society that it constitutes a threat to freedom. Economic hardship is not itself a basis for eligibility for refugee status, but persecution may take the form of economic reprisal such as a denial of the opportunity to work.

INS refugee determinations are made according to a uniformly applied worldwide standard but legislation has altered the refugee adjudication process in certain cases. The Lautenberg Amendment (a provision of the Foreign Operations Appropriations Act for Fiscal years 1990 through 1994 and subsequently extended) mandated that the Attorney General identify categories of former Soviets (specifically Jews, Evangelical Christians, Ukrainian Catholics, and Ukrainian Orthodox), Vietnamese, Lao, and Khmer, who are likely targets of persecution and asserting a credible basis for concern about such fear.

Under U.S. law, a person who has committed acts of persecution, or has assisted in the commission of persecution in any way, on account of race, religion, nationality, membership in a particular social group, or political opinion, is not eligible for classification as a refugee. Refugees may be ineligible for admission to the U.S. on criminal or security grounds.

Post-Interview Processing

After the INS interview, an applicant found eligible for refugee status must have a medical examination, security name check, and receive a sponsorship assurance. A refugee admission number deducted from the annual ceiling is allocated. Transportation arrangements generally are made through the International Organization for Migration (IOM) and the refugee signs a promissory note, promising repayment of the cost of airfare.

At the U.S. port of entry, INS admits a refugee to the United States and authorizes employment. After one year, a refugee is eligible for adjustment of status to lawful permanent resident. Five years after admission, a refugee is eligible to apply for citizenship via naturalization.

B. THE RESETTLEMENT PROCESS

1. OVERSEAS PROCESSING

The Department of State enters into cooperative agreements with private voluntary agencies - sometimes referred to as Joint Voluntary Agencies or “JVAs” – as well as the International Organization for Migration (IOM) to assist in the processing of refugees for admission to the United States. (In a few locations where such arrangements are not feasible or are unwarranted due to insufficient volume, refugees are processed by U.S.G. contract staff directly out of the Embassy.) These agencies pre-screen applicants to determine if they fall within the applicable processing priorities and otherwise appear eligible to be scheduled for an INS refugee interview. In some cases, individuals who appear to qualify for immigration to the U.S. are also advised of those

procedures. In addition, prior to interview, they assist the applicant in completing the documentary requirements of the program. If approved, processing staff guide the refugee through post-adjudication steps such as obtaining medical exams and sponsorship assurances. In FY 2000, voluntary agencies are working under contract to the Department of State at locations in Vietnam, Spain, Pakistan, Turkey, Greece, Austria, Germany, Italy, Kenya, Senegal, and Croatia. IOM processes refugees in Egypt, Romania, the Former Yugoslavia and Moscow.

2. OVERSEAS CULTURAL ORIENTATION

The Department of State strives to ensure that refugees who are accepted for admission to the United States are prepared for the significant changes they will experience during resettlement. It is critical that refugees arrive with a realistic view of what their new lives will be like, what services are available to them, and what their responsibilities will be. The goal of pre-departure orientation efforts is to ensure that all refugees receive such information before departure. Every refugee family receives *Welcome to the United States*, the resettlement guidebook written in 1996 by refugee resettlement workers and resettled refugees, working in conjunction with Federal and State government officials. *Welcome to the United States* is produced in a number of refugee languages. Through this book, all refugees have access to a basic core of consistent and accurate information about resettlement before they arrive. The material in *Welcome* is also available through a series of videos. In addition, the Department of State enters into cooperative agreements for pre-departure orientation classes for eligible refugees at selected sites throughout the world.

3. TRANSPORTATION

The Department of State makes available funds for the transportation of refugees resettled in the United States through a program administered by the International Organization for Migration (IOM). The cost of transportation is provided to refugees in the form of a loan. Beneficiaries are responsible for repaying these costs over time after they arrive in the U.S.

4. INITIAL RECEPTION AND PLACEMENT

The Department of State has entered into Cooperative Agreements with the ten agencies, including nine private voluntary agencies and one state agency, to provide initial resettlement services to refugees during their first 90 days in the United States and oversight of “free cases” (those without relatives in the United States) for six months. The voluntary agencies received \$740 per capita in FY 2000, which was to be used along with cash and in-kind contributions from private and other sources to provide the following reception and placement services:

- Sponsorship;
- Pre-arrival resettlement planning;
- Reception on arrival:
- Basic needs support for 30 days;
- Community orientation; and
- Health, employment, and other necessary counseling and referral services.

III. DOMESTIC IMPACT OF REFUGEES

A. DEMOGRAPHIC IMPACT

The demographic characteristics of arrivals from the 12 largest source countries (which contributed over 98 percent of FY 1999 arrivals into the U.S.) illustrate the variation among refugee groups. Median age ranged from 17 years for arrivals from Liberia to 29 years for arrivals from Cuba. The median age for all refugees in FY 1999 was 26 years compared to 36 for the U.S. population. The proportion of female and male refugees was 48 and 52 percent, respectively. The proportion of females and males in the U.S. was 51 and 49 percent, respectively. See Table III below.

TABLE III
MEDIAN AGE AND SEX FOR REFUGEE ARRIVALS*

COUNTRY OF ORIGIN	RANK (# OF ARRIVALS)	MEDIAN AGE	% FEMALE/ % MALE
Yugoslavia (former)	1	23.9	48.0 / 52.0
Cuba	2	29.4	46.7 / 53.3
USSR (former)	3	28.4	51.5 / 48.5
Vietnam	4	27.2	49.1 / 50.9
Somalia	5	19.5	47.5 / 52.5
Liberia	6	17.2	50.6 / 49.4
Sudan	7	19.8	42.1 / 57.9
Iraq	8	22.5	49.2 / 50.8
Ethiopia	9	18.3	41.1 / 58.9
Iran	10	27.7	45.2 / 54.8
Haiti	11	27.3	38.4 / 61.6
Sierra Leone	12	18.8	51.6 / 48.4
All other Countries	--	23.6	44.7 / 55.3

Considerable variation among refugee groups can be seen among specific age categories. Arrivals under the age of five varied from a high of 15 percent for the Sudanese to a low of two percent for Haitians. Arrivals of school age (five to 17 years of age) varied from a high of 43 percent for Ethiopians and Liberians to a low of 11 percent for Haitians. Arrivals of working age (16 to 64 years of age) varied from a high of 90 percent for Haitians to a low of 55 percent for Liberians. And arrivals of retirement age (65 years of age or older) varied from a high of 10 percent for arrivals from the former USSR to a low of less than one percent for Cubans, Haitians, and Sudanese. For all arrivals, nine percent were under the age of five, 26 percent were school age, 67 percent were of working age, and 3 percent were of retirement age. See Table IV.

TABLE IV
SELECT AGE CATEGORIES FOR REFUGEE ARRIVALS*

COUNTRY OF ORIGIN	UNDER 5 YEARS	SCHOOL AGE (5-17)	WORKING AGE (16-64)	RETIREMENT AGE (= OR > 65)
Yugoslavia (former)	10.6	27.7	64.4	1.4
Cuba	6.4	18.7	76.1	0.7
USSR (former)	9.1	26.5	57.6	10.1
Vietnam	7.8	20.4	74.3	1.1
Somalia	7.1	36.3	63.1	3.0
Liberia	10.2	43.4	54.6	1.3
Sudan	15.3	29.9	60.2	0.2
Iraq	9.9	31.9	61.4	1.1
Ethiopia	3.4	42.6	68.2	1.1
Iran	6.2	26.1	70.9	2.4
Haiti	1.7	11.1	90.4	0.2
Sierra Leone	5.9	40.3	61.4	2.2
All Other Countries	12.3	28.0	63.1	0.4

* Totals may exceed 100% due to over-lapping age categories.

B. GEOGRAPHIC DISTRIBUTION

During FY 1999, 77 percent of newly arrived refugees resettled in 14 States. Florida (21 percent) resettled the largest number of refugees, followed by New York (10 percent), California (9 percent), Texas and Washington (5 percent), Georgia and Illinois (4 percent), Michigan, Minnesota, Arizona, Pennsylvania, and Missouri (3 percent), followed by New Jersey and Massachusetts (2 percent). Table I presents arrivals by State of initial resettlement for FY 1999. In FY 1999, the 12 largest source countries contributed over 98 percent of arrivals into the U.S. They included the former Yugoslavia (36 percent), Cuba (21 percent), the former USSR (16 percent), Vietnam (9 percent), Somalia (4 percent), Liberia, Sudan, Iraq, Ethiopia, and Iran (2 percent), Haiti (1 percent), followed Sierra Leone (less than one percent). Table II presents arrivals by country of origin for FY 1999.

Florida resettled more Cubans (81 percent) and Haitians (82 percent) than all other States combined. New York resettled the largest number of arrivals from the former Yugoslavia (11 percent) followed by Illinois and Texas (7 percent). New York also resettled the largest number of arrivals from the former USSR (22 percent) followed by California (21 percent) and Washington (20 percent). And, New York resettled more Liberians (23 percent) and refugees from Sierra Leone (28 percent) than any other State. California resettled more arrivals from Vietnam (23 percent) and Iran (62 percent) than any other State. Texas resettled the largest number of Sudanese (14 percent) and the second largest number of Vietnamese (13 percent). Minnesota resettled the largest number of Somalis (27 percent) and Ethiopians (44 percent) as well as the second largest number of Liberians (16 percent). Michigan resettled more Iraqis (23 percent) than any other State. Texas and Arizona resettled the second and third largest number of Iraqis (9 percent and seven percent,

respectively). Arizona also resettled the second largest number of Sudanese (9 percent). Georgia resettled the second largest number of Somalis (14 percent) and the third largest number of Vietnamese (7 percent). Pennsylvania resettled the third largest number of Liberians (16 percent). Table III presents the top 12 source country arrivals by State of initial resettlement.

TABLE V

ESTIMATED COSTS OF REFUGEE PROCESSING, MOVEMENT, AND RESETTLEMENT

FY 2000 AND FY 2001 ESTIMATES
(\$ MILLIONS)

AGENCY	ESTIMATED FUNDING FY 2000 ⁽¹⁾ (BY ACTIVITY)	ESTIMATED FUNDING FY 2001 ⁽²⁾ (BY ACTIVITY)
DEPARTMENT OF JUSTICE: Immigration and Naturalization Service		
Refugee Processing	14.1	15.9
DEPARTMENT OF STATE: Bureau for Population, Refugee, and Migration		
Refugee Admissions	134.4 ⁽³⁾	126.0
DEPARTMENT OF HEALTH AND HUMAN SERVICES: Administration for Children and Families, Office of Refugee Resettlement⁽⁴⁾		
Refugee Resettlement	426.5	432.5
TOTAL	575	574.4

- (1) Estimates for full fiscal year, based on agencies' projections as of April 7, 2000, for the funded admission of up to 85,000 refugees and 20,000 entrant arrivals. Includes costs for Kosovar processing.
- (2) Figures are based on the Administration's Budget Request for FY 2001, for the funded admission of up to 80,000 refugees and 20,000 entrant arrivals. At the time this Report was prepared, Congress had not yet completed action on that request. Includes costs for Kosovar processing.
- (3) Includes \$92.9 million MRA appropriation and \$40 million from the FY 1999 Kosovo Emergency Supplemental Appropriation still available in FY 2000.
- (4) Does not include costs associated with the Transitional Assistance for Needy Families (TANF), Medicaid, or SSI programs.

TABLE VI

**DEPARTURE OF UNHCR-REFERRED REFUGEES FOR RESETTLEMENT
FROM JANUARY 1 TO DECEMBER 31, 1999
BY REGION OF ORIGIN AND RESETTLEMENT COUNTRY**

RESETTLEMENT COUNTRIES WITH ANNUAL QUOTAS	SOUTH- EAST ASIA/ OTHER	CPA VIET- NAMESE	CPA LAO	MIDDLE EAST/ SW ASIA	AFRICA	EUROPE, INCLUD- ING FORMER YUGO- SLAVIA	LATIN AMERICA	TOTAL	PERCENT OF TOTAL ADMISSIONS
Australia	51	1	0	1,036	773	600	0	2,461	9.0
Canada	56	8	0	1,269	833	68	8	2,242	9.0
Denmark	6	0	0	315	254	0	0	575	2.0
Finland	0	0	0	431	8	66	0	505	2.0
Netherlands	0	0	0	30	47	294	0	371	1.0
Norway	25	0	0	1,098	482	82	0	1,687	7.0
New Zealand	7	36	36	262	308	0	0	649	3.0
Sweden	0	0	0	483	179	69	0	731	3.0
Switzerland	1	0	0	4	7	0	0	12	.0
United States	387	23	20	2,316	11,320	2,265	5	16,336	62.0
Other*	21	30	0	223	219	85	7	585	2.0
TOTAL	554	98	56	7,467	14,430	3,529	20	26,154	100

* Mainly to Benin, Burkina Faso, Chile, France, Japan, Ireland, and the United Kingdom

Source: United Nations High Commissioner for Refugees